

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**KIMBERLY EVERSON,
Personal Representative for the
Estate of Jamesel Robinson,**

Plaintiff,

v.

MEDLANTIC HEALTHCARE GROUP,

Defendant.

Civil Action No. 00-226 (JMF)

MEMORANDUM ORDER

This case was referred to me for all purposes including trial. Currently pending before the court is Defendants' Motion to Extend the Deadline for Filing Dispositive Motions, Oppositions, and Any Replies Thereto [#37], which, for the reasons stated herein, is **GRANTED in part and DENIED in part.**

I. PROCEDURAL HISTORY

1. Prior to the start of formal discovery, defendant filed a Motion to Dismiss Plaintiff's Amended Complaint or For Summary Judgment [#11], which was denied by Judge Roberts on the ground that there existed genuine issues of material facts with regard to the merits of plaintiff's claims. (Mem. Op. and Order, Jan. 31, 2005.)
2. The case was then referred to me and, pursuant to the parties' initial scheduling conference, discovery was set to be completed by August 10, 2005, dispositive motions filed by September 30, 2005, oppositions filed by October 15, 2005, and replies filed by October 21, 2005. (Scheduling Or., May 13, 2005.)

3. On August 3, 2005, the parties filed a Joint Motion to Modify the Scheduling Order to Enlarge Time to Complete Discovery [#33] from August 10, 2005 to September 24, 2005, which the court granted on August 8, 2005.
4. On September 2, 2005, defendant filed, over plaintiff's objection, a Motion to Modify Scheduling Order to Extend the Deadline for the Filing of Dispositive Motions, Oppositions to Said Motions, and Any Replies Thereto [#34] by one month, on the ground that, because of the recent extension of time to complete discovery, there was only one week between the close of discovery and the deadline for filing dispositive motions. The court granted the extension on September 16, 2005.
5. On September 23, 2005, defendant filed Defendant's Consent Motion to Extend Discovery Deadline [#36] from September 23, 2005 to October 25, 2005. The court granted the motion on September 26, 2005.
6. On October 11, 2005, defendant again filed a Motion to Extend the Deadline for Filing Dispositive Motions, Oppositions, and Any Replies Thereto [#37] by approximately one month, on the same grounds as before - that there is only one week between the close of discovery and the deadline for filing dispositive motions. Defendant also states that an extension is necessary because he has other cases that are scheduled for trial in November. Plaintiff opposes defendant's motion, arguing that the extra time is not necessary for defendant to prepare a dispositive motion. (Pl.'s Opp'n 1-2.)
7. Trial is scheduled for February 22, 2006.

II. DISCUSSION

After reviewing defendant's motion, plaintiff's opposition, the parties' other recent

requests for extensions, and the record relating to defendant's previously filed dispositive motions, this court finds that the one month extension defendant requests is not warranted. Under defendant's proposed schedule, dispositive motions would be due on November 23, 2005, oppositions on December 9, 2005, and replies on December 19, 2005. This would leave very little time between the completion of briefing and the start of trial preparation for the court to issue a ruling. Furthermore, although defendant's previous dispositive motions were filed prior to formal discovery, the briefs addressed the merits plaintiff's discrimination claims and presented extensive evidence through documents and affidavits. In light of the approaching trial and the briefing already completed, an entire additional month is not necessary.

However, because defendant's attorney has indicated that he has other cases vying for his attention during the month of November, the court will grant an extension to the following dates:

Dispositive Motions Due: November 8, 2005

Oppositions Due: November 23, 2005

Replies Due: November 29, 2005

SO ORDERED.

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

Dated: